

## PATENT COOPERATION TREATY

PCT

Rec'd PCT 14 OCT 2004

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 14 SEP 2004

WIPO PCT



Applicant's or agent's file reference IPB/128967	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/DK 03/00253	International filing date (day/month/year) 14.04.2003	Priority date (day/month/year) 17.04.2002
International Patent Classification (IPC) or both national classification and IPC A61F5/44		
Applicant COLOPLAST AS et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand  13.11.2003	Date of completion of this report  13.09.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer  Mingrino, A  Telephone No. +49 89 2399-7512 

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/DK 03/00253**

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-16 as originally filed

**Claims, Numbers**

1-13 as originally filed

**Drawings, Sheets**

1/6-6/6 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes: Claims	1-13
	No: Claims	
Inventive step (IS)	Yes: Claims	1-13
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-13
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

**Re Item V**

**Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. The present application relates to a collecting bag for human body wastes.

The closest prior art document appears to be WO 93/17643 A (D1).

By means of the features of Claim 1, that the bag member includes at least a first and a second substantially tubular inner film element, each substantially tubular inner film element being attached to the inner side of each outer film blank by means of at least one joint, said first and second substantially tubular inner film element being situated at a respective side of a dividing line substantially parallel with the longitudinal direction defined by the discharge portion and having, when the bag is substantially empty, a distal and a proximal fold with respect to the dividing line; moreover, the joint between the first substantially tubular inner film element and one outer film blank and between the second substantially tubular inner film element and the outer film blank includes at least one proximal joint section at or near the proximal fold and at least one distal joint section at or near the distal fold, the distance between at least a lower part of the proximal joint section and the proximal fold being smaller than the distance between at least a lower part of the distal joint section and the distal fold; the accommodating means includes an element providing at least one opening for receiving at least a part of the discharge portion in the position of use of the bag, said opening extending substantially transversely between the proximal joint sections of the first and the second substantially tubular inner film element, respectively, the requirements to a collecting bag having a large available volume and a non-bulging bag member are fulfilled, ensuring at the same time that sufficient space for the discharge portion is created in the bag member.

Thus, Claim 1 appears to meet the requirements of Article 33(2) and 33(3) PCT.

2. Claims 2-13 are dependent upon Claim 1 and relate to preferred embodiments of the collecting bag according to Claim 1.

Thus, Claims 2-13 also appear to meet the requirements of Article 33(2) and 33(3)

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3. The industrial applicability of the device disclosed in Claims 1-13 is self evident, thus the requirements of Article 33(4) PCT are also met.